

This listing of claims will replace all prior versions and listings of claims in the application:

Listing of Claims:

1-107 (Canceled).

108. (New) An isolated nucleic acid comprising a gene expression controlling region that comprises a nucleotide sequence having at least 75% identity to SEQ ID NO: 1 or its complement.

109. (New) The isolated nucleic acid of Claim 108 wherein the gene expression controlling region comprises a sequence having at least 90% identity to SEQ ID NO: 1 or its complement.

110. (New) The isolated nucleic acid of Claim 108 wherein the gene expression controlling region comprises a sequence having at least 95% identity to SEQ ID NO: 1 or its complement.

111. (New) The isolated nucleic acid of Claim 108 wherein the gene expression controlling region comprises a sequence having at least 99% identity to SEQ ID NO: 1 or its complement.

112. (New) The isolated nucleic acid of Claim 108 wherein the gene expression controlling region comprises the sequence of SEQ ID NO: 1 or its complement.

113. (New) The isolated nucleic acid of Claim 108 wherein the gene expression controlling region comprises a sequence having at least 75% identity to SEQ ID NO: 2 or its complement.

114. (New) The isolated nucleic acid of Claim 108 wherein the gene expression controlling region comprises a sequence having at least 95% identity to SEQ ID NO: 2 or its complement.

115. (New) The isolated nucleic acid of Claim 108 wherein the gene expression controlling

region comprises a sequence having at least 99% identity to SEQ ID NO: 2 or its complement.

116. (New) The isolated nucleic acid of Claim 108 wherein the gene expression controlling region comprises the sequence of SEQ ID NO: 2 or its complement.

117. (New) An isolated nucleic acid comprising a gene expression controlling region comprising a nucleotide sequence that hybridizes under moderate stringency conditions to a nucleic acid molecule having the nucleotide sequence of SEQ ID NO: 1 or its complement.

118. (New) The isolated nucleic acid of Claim 117 comprising a polyadenylation signal sequence.

119. (New) The isolated nucleic acid of Claim 118 wherein the polyadenylation signal sequence is an SV40 virus polyadenylation signal sequence.

120. (New) The isolated nucleic acid of Claim 117 wherein the gene expression controlling region is operably linked to a nucleotide sequence encoding a polypeptide.

121. (New) The isolated nucleic acid of Claim 120 wherein the nucleotide sequence encoding a polypeptide is codon optimized for protein expression in an avian.

122. (New) The isolated nucleic acid of Claim 117 comprising an origin of replication.

123. (New) The isolated nucleic acid of Claim 117 comprising a vector.

124. (New) The isolated nucleic acid of Claim 123 wherein the vector is a virus.

125. (New) The isolated nucleic acid of Claim 123 wherein the vector is an expression vector.

126. (New) A method of expressing a polypeptide in a host cell in culture comprising:
introducing into a eukaryotic cell a gene expression controlling region comprising a nucleotide sequence that hybridizes under moderate stringency conditions to a nucleic acid molecule having the nucleotide sequence of SEQ ID NO: 1 or its complement operably linked to a nucleotide sequence encoding a polypeptide; and
maintaining the eukaryotic cell under conditions suitable for expression of the polypeptide under the control of the gene expression control region.

127. (New) The eukaryotic cell of Claim 126 wherein the cell is an avian cell.

128. (New) The eukaryotic cell of Claim 126 wherein the cell is a chicken cell.

129. (New) An isolated eukaryotic cell comprising an expression vector which includes a gene expression controlling region comprising a nucleotide sequence that hybridizes under moderate stringency conditions to a nucleic acid molecule having the nucleotide sequence of SEQ ID NO: 1 or its complement, operably linked to a nucleotide sequence encoding a polypeptide.

130. (New) The eukaryotic cell of Claim 129 wherein the cell is an avian cell.

131. (New) The eukaryotic cell of Claim 129 wherein the cell is a chicken cell.

132. (New) The eukaryotic cell of Claim 129 wherein the nucleotide sequence encoding a polypeptide is codon optimized for protein expression in an avian.

133. (New) An isolated nucleic acid comprising a gene expression controlling region comprising a nucleotide sequence having at least 75% identity to SEQ ID NO: 2 or its complement.

134. (New) The isolated nucleic acid of Claim 133 wherein the gene expression controlling region comprises a sequence having at least 90% identity to SEQ ID NO: 2.

135. (New) The isolated nucleic acid of Claim 133 wherein the gene expression controlling region comprises a sequence having at least 95% identity to SEQ ID NO: 2.

136. (New) The isolated nucleic acid of Claim 133 wherein the gene expression controlling region comprises a sequence having at least 99% identity to SEQ ID NO: 2.

137. (New) The isolated nucleic acid of Claim 133 wherein the gene expression controlling region comprises the sequence of SEQ ID NO: 2.

138. (New) An isolated nucleic acid comprising a gene expression controlling region comprising a nucleotide sequence that hybridizes under moderate stringency conditions to a nucleic acid molecule having the nucleotide sequence of SEQ ID NO: 2 or its complement.

139. (New) The isolated nucleic acid of Claim 138 comprising a nucleotide sequence encoding a polypeptide.

140. (New) The isolated nucleic acid of Claim 139 wherein the nucleotide sequence encoding a polypeptide is codon optimized for protein expression in an avian.

141. (New) The isolated nucleic acid of Claim 138 comprising a polyadenylation signal sequence.

142. (New) The isolated nucleic acid of Claim 141 wherein the polyadenylation signal sequence is derived an SV40 virus polyadenylation signal sequence.

143. (New) The isolated nucleic acid of Claim 138 wherein the recombinant nucleic acid

molecule comprises a vector.

144. (New) The isolated nucleic acid of Claim 143 wherein the vector is a virus.

145. (New) The isolated nucleic acid of Claim 143 wherein the vector is an expression vector.

146. (New) The isolated nucleic acid of Claim 138 comprising an origin of replication.

147. (New) A method of expressing a polypeptide in an isolated host cell in culture comprising:

introducing into a host cell a gene expression controlling region comprising a nucleotide sequence that hybridizes under moderate stringency conditions to a nucleic acid molecule having the nucleotide sequence of SEQ ID NO: 2 or its complement operably linked to a nucleotide sequence encoding a polypeptide; and

maintaining the host cell under conditions suitable for expression of the polypeptide under the control of the gene expression control region.

148. (New) A host cell in culture comprising an expression vector which includes a gene expression controlling region comprising a nucleotide sequence that hybridizes under moderate stringency conditions to a nucleic acid molecule having the nucleotide sequence of SEQ ID NO: 2 or its complement, operably linked to a nucleotide sequence encoding a polypeptide.

149. (New) The host cell of Claim 148 wherein the cell is an avian cell.

150. (New) The host cell of Claim 148 wherein the cell is a chicken cell.

151. (New) The host cell of Claim 148 wherein the nucleotide sequence encoding a polypeptide is codon optimized for protein expression in an avian.